

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, et al.,

Plaintiffs,

v.

GREG ABBOTT, et al.,

Defendants.

Civil Action

Lead Case No.:

3:21-CV-00259-DCG-JES-JVB

ROSALINDA RAMOS ABUABARA, et al.,

Plaintiffs,

v.

JANE NELSON, et al.,

Defendants.

Consolidated Case No.:

1:21-CV-00965-DCG-JES-JVB

**MOTION FOR VOLUNTARY DISMISSAL OF PLAINTIFF ROSALINDA RAMOS
ABUABARA**

Plaintiff Rosalinda Ramos Abuabara, by and through her undersigned counsel, respectfully moves this Court to dismiss her claims from the above-captioned action without prejudice pursuant to Federal Rules of Civil Procedure 21 and 41(a)(2). The remaining Abuabara Plaintiffs—now the “Bacy Plaintiffs”—will continue to pursue the claims in their Third Amended Complaint (ECF No. 613) and Supplemental Complaint (ECF No. 765). Defendants have indicated that they do not oppose this motion.

“On motion or on its own, the court may, at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21. Plaintiffs “may voluntarily dismiss parties under Rule 21.” *Collier v. Batiste*,

2005 WL 3543824, *3 (E.D. La. Oct. 21, 2005). Alternatively, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). “[M]otions for voluntary dismissal should be freely granted unless the non-moving party will suffer some plain legal prejudice other than the mere prospect of a second lawsuit.” *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002); *see also* 9 Wright & Miller Fed. Prac. & Proc. Civ. § 2362 (4th ed.) (“The power to drop some plaintiffs or defendants from the suit plainly exists, either explicitly in the Federal Rules or in the district court’s inherent power.”); *Florida Rising Together v. Lee*, No. 4:21-cv-201-MW/MJF, ECF No. 229 (N.D. Fla. Oct. 29, 2021) (construing a motion to withdraw as plaintiff as a motion for voluntary dismissal as to that plaintiff only pursuant to Rule 41(a)(2) or, in the alternative, as a motion to amend the complaint to drop the withdrawing plaintiff as a party pursuant to Rule 15(a)(2)); *Johnston v. Cartwright*, 355 F.2d 32, 39 (8th Cir. 1966) (“[I]t may not be material whether the court acts under Rule 15(a) which relates to amendments, or Rule 21 which concerns misjoinder, or Rule 41(a)(2).”).

Defendants will suffer no prejudice from the dismissal of Plaintiff Abuabara. The remaining Abuabara Plaintiffs—now the “Bacy Plaintiffs”—will continue to pursue the claims in their Third Amended Complaint (ECF No. 613) and Supplemental Complaint (ECF No. 765). Accordingly, Plaintiff Abuabara hereby respectfully requests that the court dismiss her from this action without prejudice.

Dated: July 9, 2024

Renea Hicks
Attorney at Law
Texas Bar No. 09580400
Law Office of Max Renea Hicks
P.O. Box 303187
Austin, Texas 78703-0504
(512) 480-8231
rhicks@renea-hicks.com

Respectfully submitted,

/s/ David R. Fox
David R. Fox*
Richard A. Medina*
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW, Suite 400
Washington, D.C. 20001
Telephone: (202) 968-4490
dfox@elias.law

rmedina@elias.law

Abha Khanna*

ELIAS LAW GROUP LLP

1700 Seventh Ave, Suite 2100

Seattle, WA 98101

Telephone: (206) 656-0177

akhanna@elias.law

Counsel for Abuabara Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF CONFERENCE

Counsel for the Plaintiffs conferred with counsel for the Defendants in a good-faith attempt to resolve the subject matter of this Motion, and counsel for the Defendants indicated that they do not oppose the Motion.

/s/ David R. Fox

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on July 9, 2024, and that all counsel of record were served by CM/ECF.

/s/ David R. Fox